



USAID
FROM THE AMERICAN PEOPLE

USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

MONTHLY REPORT: February 2014

March 6, 2014

This publication was produced for review by the United States Agency for International Development. It was prepared by Tetra Tech DPK.

TABLE OF CONTENTS

I.	Program-Related Activities and Tasks.....	3
1.	Result 1: Strengthening Advocacy and Citizen Participation in Judicial Sector Reform.....	3
1.1	Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs and the Role they can Play in Strengthening the Rule of Law in Macedonia.....	3
1.2	Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved.....	3
2.1	Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System	6
2.2	Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System..	7
3.	Result 3: Increased Fairness and Efficiency of the Administration of Justice through More Effective Legal Personnel and Efficient Processes	8
3.1	Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff.....	8
3.2	Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases.....	9
II.	Problems and Remedial Actions.....	10
III.	Administrative Matters	10
IV.	Summary of Activities Planned for November 2013	10

I. PROGRAM-RELATED ACTIVITIES AND TASKS

RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

1.1 A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can play in Strengthening the Rule of Law in Macedonia

The Judicial Strengthening Project (JSP) completed a short and focused initial needs assessment of 11 legal professional associations (LPAs) and civil society organizations (CSOs), through a subcontractor: the Macedonian Center for Institutional Development (CIRa). Based on the assessment, JSP selected three organizations for Phase II of the assessment: The Macedonian Judges Association (MJA), The Macedonian Young Lawyers Association (MYLA), and The Court Administration Association (CAA).

In Phase II, CIRa assessed the performance of the three selected organizations to identify performance gaps and, in Phase III, provided training and technical assistance packages customized to each organization. Training activities under Phase III commenced in October 2012 and were completed in October 2013.

The sections below outline the follow up activities and events carried out during the reporting period.

1.2 Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

Phase III activities included a series of training workshops -to be implemented by JSP subcontractor MESAcons/Embura- to enhance the capacity of the selected organizations. The project supported a total of 31 trainings/workshops between October 31, 2012 and October 25, 2013¹. Many of these trainings were conducted jointly to reach several organizations simultaneously.

On July 22, 2013, JSP signed a modification agreement with MESAcons/Embura to include additional LPAs in the trainings/workshops instead of the MJA, which withdrew from the training program.

The training program was completed in October 2013 and certificates were presented to all participants in December. The final report was reviewed by JSP and finalized during January 2014.

1.2.1 Other Support for LPAs

Macedonian Young Lawyers Association (MYLA)

As follow up to the assistance JSP provided in organizing the MYLA National Conference in December 2013, the project will support printing of the Analysis on the challenges, problems, and perspectives of the legal profession in Macedonia. The analysis will be finalized in March 2014 along with the conclusions from the discussions at the Conference.

¹ The final training took place on October 24 and 25, 2013

Court Administration Association (CAA)

On February 11-12, the CAA, with JSP support, organized a roundtable on amending the Law on Court Service (LCS). The roundtable was organized after the MOJ announced that it had already prepared amendments to the law with the intention of sending them to Parliament for approval in urgent procedure. The CAA views the proposed amendments as replications of the solutions introduced by the Law on Civil Servants², without understanding the differences and specifics of the court administration. For example, one of the amendments requires the proficient knowledge of a foreign language, proven with internationally recognized certificates on all levels. This is a departure from the concept of career levels and horizontal promotion of court employees.

The twenty-one member CAA working group, which includes court administrators, clerks, and IT advisors, prepared proposed changes and amendments to the law that addressed aspects related to the status of court employees such as grades and titles, hiring and selection, evaluation, promotion, and disciplinary responsibility. These changes were presented by the CAA President at the Fifth Judicial Branch Forum held in Strumica on February 20-21. CAA steps for improvement of the LCS were supported by the participants at the JBF, with the conclusion that the changes and amendments aimed at improving the status and motivating the court employees should be submitted to the MOJ for consideration.

European Law Students Association (ELSA)

ELSA's website. The revision to ELSA's website technical specifications is in its final stage. The configuration of the webpage will have two sections. The first will be designed for public use and contain general information, activities, and contact information. The second will be designed for access only by members. The new website will provide an array of information for the public and include links and helpful tools for members. The final technical specifications were concluded in December 2013 and an RFP was drafted in January 2014. The procurement process is scheduled to begin in early March 2014.

Juvenile Justice. On February 25, ELSA launched the Brochure "Prevention Instead of Punishment – Juvenile Justice System", which was prepared and printed with JSP support at the juvenile detention center in Veles. The event was attended by 22 high school students from "Jovce Teslickov" High School in Veles, 6 protégés from the orphanage 11 Oktomvri in Skopje, and 28 detainees from the detention center. ELSA members, Martina Martinova and Natali Bojkovikj, presented the brochure in a highly professional manner, adapting the content to the audience. They were assisted by four judges – one from Skopje and three from the Basic Court Veles – all of whom work in the juvenile justice area. The presentation was followed by a reception, providing an opportunity for the visitors to speak with the detained juveniles regarding the Macedonian juvenile justice system.

ELSA membership. With support from JSP, ELSA finished the layout and design of the promotional flyer aimed at attracting new members. The flyer was finished and sent to print on February 25. Dissemination of the flyer will start in early March.

Training and Mutual Cooperation. On February 14, ELSA members participated in a one-day strategic litigation training workshop conducted by MYLA. Twenty-four law students attended the training and had positive reviews overall. JSP supported the training, which

² The Macedonian Government recently passed a new Law on Civil Servants that provides for a synchronized system of state administration and promotes new concepts of human resource management based on elements of corporate management.

represents a perfect example of how to build and promote mutual growth of two project supported organizations. The JSP will continue to support cooperation between ELSA and MYLA with a new training on Project Cycle Management scheduled for April 11.

On February 18, the JSP organized and facilitated a meeting between ELSA and the Commission for Free Access to Public Information. The meeting participants agreed that the Commission will assist ELSA with the preparation of its next brochure on free access to information. The Commission assigned a contact person to work with ELSA in the preparation of the brochure.

Public Prosecutors Association (PPA)

The program completed the design and printing of PPA's newsletter, which was disseminated to members in mid-February. The design and layout were positively received by the PPA.

Macedonian BAR Association

The overhaul of the BAR Association's website, which the JSP is supporting, is in the final phase of procurement. The specifications and scope of work for overhauling the website have been prepared and the RFP will be issued in early March.

Support the work of domestic violence NGOs

Following the conclusions of the January 8 meeting with Jasminka Friscic, Executive Director of the Association for Emancipation, Solidarity and Equality of Women (ESE), the JSP team and ESE representatives had a conference call with US expert Judge Michael Kavanagh, on February 13, to define the steps and schedule for the preparation of a Bench Book on domestic violence for judges. Call participants agreed that ESE would suggest members for the working group and outline a work schedule for JSP's and Judge Kavanagh's review. JSP plans to engage Judge Kavanagh to work with the working group during the period May 5-15, 2014. Additionally, JSP will support 2-3 working group meetings for preparing the Bench Book, as well as, a small media campaign for raising awareness on domestic violence.

1.2.2 Building Broad-Based Coalition of LPAs

The idea of forming a broad-based coalition in Macedonia was conceived after the first study tour to Sweden and Estonia (April 8-18, 2013) for seven members of All For Fair Trials (AFFT), MYLA, MLA, CAA, and ELSA. The Coalition will be modeled after NENO, a Estonian broad-based organization of justice sector NGOs.

On February 18, a meeting was held at JSP offices with the presidents of MYLA and ELSA to discuss the forthcoming visit of Kaizen consultants Amy Watve and Andrew Kaiser³. Participants agreed that the visit will include a one day workshop to determine the priorities of the Rule of Law Council (Council) and a two day retreat to develop the Council's Action plan. It was also agreed that Council members will work on finalizing the Code of Ethics, Memorandum of Understanding, and Articles of Association on a workshop at JSP offices on February 28.

³ US Small Business "The Kaizen Company" has been engaged to provide technical assistance with the creation of the coalition. Based on the assessment and recommendations from Kaizen consultant Amy Watve's first trip, a second visit is scheduled during March 3-14 to conduct a series of training workshops aimed at the actual creation of the coalition and development of its first action plan.

RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.1 Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum (JBF) Follow-up

The JBF provides an opportunity for leaders of the judicial branch institutions and associations to discuss the progress, current status, and next steps in the implementation of judicial reforms in Macedonia. These topics are important to the ultimate achievement of reform goals: establishment of the judiciary as a fully independent, effective and self-governed branch of government capable of upholding the rule of law and providing timely and quality services to all citizens of the Republic of Macedonia. During the second year of the project, four meetings of the JBF have been organized: November 6, 2012; March 15, 2013; June 19-20, 2013; and October 17-18, 2013.

The fifth JBF took place on February 20-21 in Strumica. Nine members of the JBF attended the meeting. The agenda topics included:

1. Implementation of the Law on Civil Procedure provisions pertaining to the use of electronic court recording and electronic delivery
2. Promoting regular and active participation in trainings, increasing attendance in trainings, and improving the quality of trainings through post-training evaluation
3. Analysis of the Administrative Court's case workload and development of an action plan to decrease backlog
4. Implementation of the GRECO⁴ recommendations regarding judicial ethics
5. Changes and amendments to the Law on Court Service
6. Implementation of the Law on Case Management regarding publishing of court decisions on the courts' web-sites
7. Continuing the surveys of court services' users concerning the quality and independence in the resolution of cases by obtaining objective findings about the users' perception of the judiciary

The following are the main conclusions reached by the participants:

1. To improve the quality of training programs organized by the Academy for Judges and Public Prosecutors (Academy), training-of-trainers should be regularly organized and written materials for each training should be prepared and disseminated to the participants before each training. The trainers should be given enough time to prepare quality training sessions.
2. The appellate courts and the Supreme Court of the Republic of Macedonia (SC) should take a more active role in the selection of the topics for continuous education of the judges at the Academy. Topics should be based on issues from jurisprudence that the basic courts have come across in the course of their work.
3. The Managing Board of the Academy should explore the possibility for adopting a methodology for evaluating the impact of the trainings. This may include the completion of a survey by the judges after each training.

⁴ Groupe d'Etats Contre La Corruption / Group of States Against Corruption

4. A systematic training on the key provisions of the Law on Civil Procedure (LCP) by appellate regions is important. This training should begin in June 2014. Topics suggested at the forum include provisions of the LCP and the Law on Enforcement that pertain to the jurisdiction of the notaries and private enforcement agents, burden of proof, etc.
5. The draft version of the Code of Judicial Ethics (Code) is a sound base for discussion with the Macedonian Judges Association (MJA). After review and feedback from the MJA', branch offices, the Code should be adopted by the MJA Assembly by June 15.
6. A working group should be created to draft changes and amendments to the provisions of the Law on Case-Flow Management regarding posting decisions on courts' websites. It is important to have in mind that the system is overwhelmed with too many old decisions and the capacities of the IT system are limited.
7. There is a need to support a joint project in cooperation with the MJA for assessing the quality of court services from the aspect of court services' users concerning the quality and independence in the resolution of cases.
8. The JSP will provide technical assistance to the Administrative Court by conducting a short and focus analysis on current state of affairs and prepare recommendations for improving efficiency in this court.

2.2 Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System

2.2.1 Strategic Plan for the Judiciary

As previously reported, the JSP engaged local subcontractor CIRa to support the development of the Judiciary's Strategic Plan (SP) 2014-2016. After completion of the first phase aimed at assessing the implementation of the 2010-2012 Strategic Plan and two workshops for developing the Strategic Plan for the Judiciary, a third workshop was held on February 6 to finalize the Strategic Plan's narrative and Action Plan. This workshop was attended by two members of the Judicial Council (JC), three staff of the JC, one court administrator, and one representative from the Academy for Judges and Public Prosecutors (Academy).

The draft Strategic Plan will be presented to key judicial representatives at the fourth and final workshop, scheduled for March 3 at the JC premises.

2.2.2 Assist courts to improve transparency and communication with public and media

The project continued to support publications that contribute to increased transparency of the judiciary and communications with the public. Based on its successful experience in 2013, the project sent letters to the four appellate courts offering support in the preparation and publication of the courts' 2013 annual reports. During February, the Appellate Court Gostivar and the Appellate Court Skopje sent the designs of their annual reports in appropriate format, ready to be published. Once JSP receives the reports from the remaining appellate courts, it will proceed with the printing of the documents.

RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.1 Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff

3.1.1 Continue training opportunities for judges with the Academy

On January 23, the project and the USAID ROL Project Management Specialist met with the Director of the Academy to discuss areas for future cooperation. More specifically, the Director of the Academy asked JSP to support the implementation of the following activities:

- Training in the area of commercial law, bankruptcy law and intellectual property law
- Meetings for harmonization of judicial practice in the civil area
- Specialized training for lay judges
- Support for measuring the effectiveness of judicial training
- Development of Academy's Strategic Plan

In support of measuring the effectiveness of judicial trainings, JSP translated and distributed to the Academy the INPROL⁵ manual, *Measuring Impact of Judicial Training*. After considering the time schedule and available resources for implementation of the proposed activities, JSP informed the Academy during February that the following trainings/projects could be jointly implemented during 2014:

- Harmonization of judicial practice in the civil area
- Three commercial law trainings
- Training for judges to raise awareness about people with disabilities
- Development of a methodology for measuring the effectiveness of trainings (post-training evaluation)
- Support developing a Strategic Plan for the Academy, based on the Strategic Plan for the Judiciary, which is currently in the process of finalization
- Training for civil judges that decide domestic violence cases
- Leadership training for selected judges

The JSP also committed to support the Academy in organizing three trainings on the *Implementation of the Law on Civil Procedure* for all civil judges of Skopje and Shtip appellate regions. These trainings are scheduled for June-October 2014. The need for these trainings emerged as a result of the courts' different interpretation of the spirit and key provisions of this Law in the past three years.

3.2: Improve Caseload Processing and Reduce Backlog of Cases

3.2.1 Support for Judicial Sector Automation

Electronic Digital Recording of Court Hearings and Trials

The JSP has provided support for an "in-house" Electronic Court Recording (ECR) consultant at BC Skopje II due to the court's workload, which includes high-profile cases from the entire country. The scope of this consultancy encompasses the following: development of a simplified manual for end users of Audio Recording System Femida, installation of new software Open Office to enable exchange of data between the Automated Court Case

⁵ International Network to Promote the Rule of Law.

Management Information System (ACCMIS) and ECR software Femida in 80 courtrooms and delivery of refresher trainings for civil judges and court typists in 29 courts.

The trainings started on January 20 in the Gostivar Appellate area and continued into February for the Appellate regions Bitola and Shtip as follows:

BC Ohrid, Feb 5, BC Resen, Feb 6; AC Bitola, Feb 7; BC Bitola, Feb 10-11; BC Prilep, Feb 12-13; AC Shtip, Feb 14, 17; BC Strumica, Feb 18; BC Kocani, Feb 19; BC Radovis, Feb 20; BC Beroovo, Feb 21; BC Delcevo, Feb 24, BC Vinica Feb.25; BC Sveti Nikole Feb.26 and finally fi BC Kavadarci Feb. 27. The trainings will conclude in March with the Skopje Appellate Area.

In view of the ECR trainings for the Skopje Appellate Area, a visit was conducted at Skopje 2 Civil Court, the largest civil court in the country and has the largest number of ECR equipped courtrooms (25). The ECR system was presented to the judges and the president of the Judicial Council. ECR coordinator Mr. Bojcevski prepared a list of judges and typists who need additional trainings on using Femida software (February 17-25). It was agreed that beginning in March, civil judges from this court will record all their hearings independently.

Upgrade of Automated Budget Management System

The upgrade of the Automated Budget Management System (ABMS) is still in process and is expected to be completed by March 31, as stipulated in the contract with the vendor. The Court Budget Council (CBC) requested an upgrade of the ABMS due to a number of changes in the laws and sub-regulations norming judicial budgeting, finance and human resources. The project addressed the issue through a sole source contract with the original vendor (local IT company "Ultra"), in November 2013. During December 2013, January and February 2014, the vendor and the Administrative Office of the Court Budget Council worked on developing and testing the new upgraded modules. As stipulated in the contract, the vendor should also assist the responsible personnel in the AO of the CBC in applying the installed upgrades by or before March 31, 2014.

3.2.2 Coordination Meetings

Meeting with Consulting and Training Company BASME

On February 19, the JSP COP and Court Administration Coordinator met with BASME consultant Vlatko Danilov to discuss cooperation on trainings for judges and court administrators on budgeting and financial management, planning case workload and needed resources, creating judge's team, etc.⁶ After the meeting, Mr. Danilov sent a proposed training program to the JSP for review and feedback. The plan envisions five trainings, one for president judges, and four for heads of court departments and court administrators per appellate region.

Meeting with the Supreme Court Justice and Court Administrator

On February 28, the JSP COP and Court Administration Coordinator met with Supreme Court (SC) Justice Lidija Nedelkova and Court Administrator Sonja Gruevska to discuss implementation of joint projects for this year. The areas of cooperation include: re-design of the software for search of court decisions posted on the courts' websites, study visit of two SC judges and one IT administrator to the ICT centers in Slovenia and Serbia, support for purchase of additional server for ACCMIS in the Supreme Court, and technical support for printing SC Annual Report and Judicial Practice Bulletin.

⁶ In 2011, BASME implemented the World Bank *Functional Analysis for the Improvement of the Organizational Effectiveness of the Courts in the Republic of Macedonia*, a project of the Ministry of Justice.

Meeting with USAID Investment Development and Export Advancement Support Project (IDEAS)

On February 28, the JSP COP and Court Administration Coordinator met with IDEAS Senior Advisor Goran Lazarevski to discuss the possibility of organizing a joint roundtable with the Academy, business chambers, and lawyers to identify the judicial needs of the business sector for consideration as appropriate topics for trainings of judges in the framework of the Academy's curriculum. The roundtable will be organized in early May 2014.

RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT

The project procured one portable computer (laptop) for the Court Service Council (CSC) for the court assistant, Maja Babamovska to improve the quality of work of the CSC and enable it to organize effective sessions, trainings and workshops.

Sixty-two (62) new monitors were purchased to improve use of ECR in the Macedonian courts. This material assistance allows judges to monitor and read hearing minutes as these are typed and correct any inaccuracies while protocols and minutes are being prepared.

II. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and are of the type to be expected in the regular course of implementation.

III. ADMINISTRATIVE MATTERS

A job description for the vacant court administration assistant position was developed. The administrative procedure for the recruitment and hiring of a candidate for this position will be completed by late March 2013.

IV. SUMMARY OF ACTIVITIES PLANNED FOR MARCH 2014

The summary of activities planned for March 2014 is as follows:

- Visit of Kaizen consultants Amy Watve and Andrew Kaiser from March 3-15 to support development of Rule of Law Council (Coalition)
- Follow-up with participants of second study tour to finalize and implement Action Plan
- Complete procurement for the overhaul of ELSA's website
- Publish RFP for the upgrade and improvement of the Macedonian BAR Association's website
- Print and publish ELSA's outreach brochure
- Continue oversight of the implementation of electronic recording of court hearings at Skopje Appellate area, including supporting the work of support coordinator retained for Skopje II
- Monitor implementation of action plans by CAA, ELSA, MLA, AFFT and MYLA related to recent study tour objectives, including feedback for the development of a broad-based coalition
- Publish ECR manual and further trainings in Skopje Appellate Region
- Follow up on the recommendations from the IT roundtable in Krusevo and oversee the preparation of templates for the internal web site of the courts
- Support one workshop for the IT staff of the Gostivar appellate region
- Support one workshop for process-mapping of courts' house rules, as envisioned in the Action Plan of the second Study Tour

- Coordinate with ESE for the creation of the working group for drafting Bench Book on DV
- Organize study visit of two SC justices and one IT administrator of the SC to the ICT centers in Slovenia and Serbia
- Oversee and manage contract for the upgrade of ABMS for the CBC
- Oversee completion of 2014-2016 Judiciary's Strategic Plan by local organization CIRa
- Publish 2013 annual reports of the four appellate courts
- Prepare RFP for Study tour in US for judges who will develop Differentiated Case Management System in Macedonian courts